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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,540	07/16/2003	Hiroaki Yokoyama	101173-00023	5956
4372	7590	10/23/2007		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER SHIN, JOHN Y	
			ART UNIT 4132	PAPER NUMBER
			NOTIFICATION DATE 10/23/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/619,540	<b>Applicant(s)</b> YOKOYAMA ET AL.	
	<b>Examiner</b> John Shin	<b>Art Unit</b> 4132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

KHOI H. TRAN  
 SUPERVISORY PATENT EXAMINER

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 10/23/03.

- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claim 3 is objected to because on line 23 of the claim, the use of the word "such" is grammatically incorrect. Appropriate correction is required.
3. Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Regarding claim 3, the phrase "and such" on line 13 renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by

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"and such"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

7. Claim 4 depends from claim 3 and so inherits the defects of its parent claim.
8. Regarding claim 5, the phrase "such as" on line 35 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
9. Claims 6-10 depend from claim 5 and so inherit the defects of their parent claim.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Aram (2002/0072986).
12. As for claim 1, Aram shows an order management system comprising a host computer of a product manufacturer (paragraph 7; 104 in Fig. 1) and terminals of a plurality of part makers connected to the host computer by leased communication lines for information exchange (paragraphs 30, 31) wherein the host computer is provided with a stock database containing stock information about product manufacturer's stock

of parts (paragraph 27); an order database containing order information provided by sales shops (paragraph 7); a procurement order database containing procurement order information about procurement orders placed with part makers (paragraph 37); a production control database containing production schedule information and delivery date information determined by the part makers (paragraphs 10, 36); a procurement managing means for entering procurement order information about procurement orders placed with the part makers on the basis of the order information about orders placed by the sales shops and the stock information contained in the stock database into the procurement order database (paragraphs 48, 49); an order managing means for entering back order information into the order database on the basis of stock information contained in the stock database, and production schedule information and delivery date information contained in the production control database into the order database (paragraph 92); and each of the terminals of the plurality of part makers being provided with a received order managing means for entering the production schedule information and delivery date information created on the basis of the procurement orders placed by the product manufacturer into the production control database through the leased communication lines (102 in Fig. 1). Since Aram's system structurally anticipates all claim elements, it is obvious that said system is applicable within a back ordering environment (see MPEP § 2112.01).

13. As for claim 2, Aram shows the limitation wherein the host computer of the product manufacturer is connected to the terminals of the plurality of part makers and terminals of the sales shops by Web lines for exchanging e-mail messages (paragraph

96; Fig. 1); the procurement managing means enters the procurement order information into the procurement order database and sends e-mail messages describing the procurement order information to the part makers through the Web lines (paragraphs 23, 31, 48, 49); the received order managing means enters the production schedule information and delivery date information into the production control database and sends e-mail messages describing the production schedule information and the delivery date information to the product manufacturer through the Web lines (102 in Fig. 1; paragraphs 31, 92); and the order managing means enters the order information into the order database and sends e-mail messages describing the order information to the shops through the Web lines (paragraphs 92, 96). Since Aram's system structurally anticipates all claim elements, it is obvious that said system is applicable within a back ordering environment (see MPEP § 2112.01).

14. As for claim 3, Aram shows an order management system comprising: a host computer of a product manufacturer (paragraph 7; 104 in Fig. 1); terminals of a plurality of sales shops connected to the host computer by leased communication lines for information exchange (paragraph 96; Fig. 1); and terminals of a plurality of part makers connected to the host computer by leased communication lines for information exchange (paragraphs 30, 31); wherein the host computer is provided with a stock database containing stock information about product manufacturer's stock of parts (paragraph 27); an order database containing order information provided by the sales shops (paragraph 7); a procurement order database containing procurement order information about procurement orders placed with the part makers (paragraph 37); a

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production control database containing production schedule information and delivery date information determined by the part makers (paragraphs 10, 36); a procurement managing means for entering the procurement order information about procurement orders placed with the part makers on the basis of the order information about orders placed by the sales shops and the stock information contained in the stock database into the procurement order database (paragraphs 48, 49); and an order managing means for entering order information into the order database on the basis of stock information contained in the stock database, and production schedule information and delivery date information contained in the production control database into the order database (paragraph 92), each of the terminals of the plurality of sales shops is provided with an order managing means for entering order information through the leased communication line into the back order database (100 in Fig. 1), and each of the terminals of the plurality of part makers is provided with a received order managing means for entering the production schedule information and delivery date information created on the basis of the procurement orders placed by the product manufacturer into the production control database through the leased communication lines (102 in Fig. 1). Since Aram's system structurally anticipates all claim elements, it is obvious that said system is applicable within a back ordering environment (see MPEP § 2112.01).

15. As for claim 4, Aram shows the host computer of the product manufacturer is connected to the terminals of the plurality of part makers and terminals of the sales shops by Web lines for exchanging e-mail messages (paragraph 96; Fig. 1); the order managing means enters the order information into the order database and sends e-mail

messages describing the order information through the Web line to the product manufacturer (paragraphs 57, 92, 96); the procurement managing means enters the procurement order information into the procurement order database and sends e-mail messages describing the procurement order information to the part makers through the Web lines (paragraphs 23, 31, 48, 49, 57); the received order managing means enters the production schedule information and the delivery date information into the production control database and sends e-mail messages describing the production schedule information and the delivery date information to the product manufacturer through the Web lines (102 in Fig. 1; paragraphs 31, 92); and the back order managing means enters the back order information into the back order database and sends e-mail messages describing the back order information to the sales shops through the Web lines (paragraphs 92, 96). Since Aram's system structurally anticipates all claim elements, it is obvious that said system is applicable within a back ordering environment (see MPEP § 2112.01).

***Allowable Subject Matter***

16. Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

17. Claims 6-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Untiedt et al (2005/0125313) – Shows a parts ordering system with multiple entities  
connected via a network

Narahara et al (2002/0042735) – Shows a parts ordering method and system that  
involves a plurality of suppliers and clients connected  
via a network

Tabuchi et al (2004/0148227) – Shows a parts procurement method

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Shin whose telephone number is 571-270-3276.

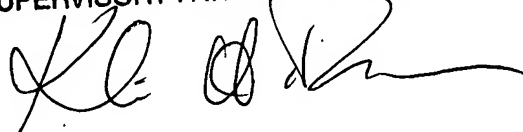
The examiner can normally be reached on Monday to Friday, 8:30 am - 6:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-270-5329. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Shin  
Patent Examiner, A.U. 4132  
October 15, 2007

KHOI H. TRAN  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'KH' followed by a stylized flourish.